



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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MAR 04 2009

Ref: 8P-W-WW

Rhonda Thiele
Department of Environmental Quality
Division of Water Quality
288 North 1460 West
P.O. Box 144870
Salt Lake City, UT 84114-4870

Re: Draft Permit for Stormwater Discharges
Associated with Municipal Separate Storm
Sewer Systems (UTR-080000)

Dear Ms. Thiele:

Thank you for providing the proposed general permit for Stormwater Discharges Associated with Municipal Separate Storm Sewer Systems (MS4s). I have reviewed the draft permit and find it generally acceptable, however, I have the following comments that should be addressed before it is issued as a final permit.

1. Part 4.2.1 (Public Education and Outreach) could be expanded to include an employee training component related to low impact development, green infrastructure, and post-construction stormwater runoff controls. As proposed, the permit contains a requirement (see Part 4.2.1.3) to provide information for engineers, construction contractors, developers, development review staff, and land use planners. Expanding this requirement to include an employee training requirement is important since traditional engineering, zoning, and development practices are more related to water conveyance and traffic management without consideration of the water quality goals of the permit. The financial burden on permittees associated with this requirement is minimal since several training programs (e.g., the EPA webcast series) are already available for modification or direct distribution to meet such an employee training requirement. Example permit language is as follows: "Provide and document training to engineers, developers, development review staff, land use planners, and other parties as applicable to learn about Low Impact Development (LID) practices, green infrastructure practices, and to communicate the specific requirements for post-construction control and the associated Best Management Practices (BMPs) laid out within the SWMP";
2. Part 4.2.3 (Illicit Discharge Detection and Elimination) should include a timeframe upon which illicit discharges detected through screening are addressed to ensure that illicit discharges are not documented without follow-up to eliminate the source(s). Example

language is as follows: “The permittee shall investigate any illicit discharge within fifteen (15) days of its detection, and shall take action to eliminate the source of the discharge within forty five (45) days of its detection”;

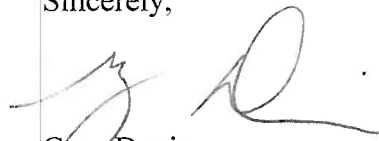
3. Part 4.2.3 (Illicit Discharge Detection and Elimination) could be amended to include a requirement to maintain an illicit discharge detection and elimination database. As proposed, Part 4.2.3. requires documentation of illicit discharges without a requirement to maintain a formal georeferenced database;
4. Part 4.2.3 (Illicit Discharge Detection and Elimination) does not address Sanitary Sewer Overflows (SSOs). SSOs are often caused by infiltration of stormwater into sanitary sewer lines during heavy rainfall and represent a significant illicit discharge. Where SSOs discharge into an MS4, they should be documented and the events should be reported either to the Division of Water Quality or directly to the appropriate wastewater treatment plant operator for further investigation;
5. Part 4.2.3 (Illicit Discharge Detection and Elimination) should include a requirement to promote and provide services for the collection of household hazardous wastes to prevent these from getting improperly disposed of in storm drains;
6. As proposed, Part 4.2.4.2 (Construction Sites Runoff Program) requires operators to develop and implement an enforcement strategy for construction site stormwater runoff. Including a reporting requirement under which sanctions such as fines or stop work orders have been utilized for this purpose are reported either directly to the Division of Water Quality or within the MS4’s Stormwater Management Plan (SWMP) could help the Division ascertain both the rigor by which construction site violations are being enforced and any loopholes in local regulation which may prevent compliance;
7. As proposed, Part 4.2.5 (Post-Construction Storm Water Management) does not contain a requirement to document the location and maintenance specifications for all newly installed water quality features. Since ownership of these “Structural BMPs” changes over time, it is important that MS4s retain documentation related to location, ownership, and maintenance specifications, so that the water quality goals assumed during the initial installation can be maintained over time;
8. As proposed, Part 4.2.5 (Post-Construction Storm Water Management) may not be stringent enough to significantly reduce the pollutant loadings from new development and redevelopment projects that disturb one or more acres of land. In Salt Lake City and other Phase 1 MS4s, numeric criteria have been developed specifically for this purpose. These criteria require that BMPs designed to treat the water from a specific design storm (e.g., the 2-year, 24-hour event) be incorporated into all significant development and redevelopment projects. Including language which requires the implementation of this standard or a similar standard based on locally-available data would better ensure that MS4 operators are held to a standard which is protective of water quality. Alternatively, the annual report requirements could be amended to require that municipalities provide

information on the numeric design standards and specific BMPs required locally. This would provide the Division with specific information which could be assessed in combination with compliance evaluations and available water quality data to determine if more stringent and locally-specific numeric design criteria are necessary;

9. Part 4.2.5 (Post-Construction Storm Water Management) could be expanded to include preferred design specifications for different development types as this would help developers and contractors in utilizing or selecting designs which more effectively treat water quality. Developments for which preferred design specifications could be developed include:
 - a. Industrial parks;
 - b. Commercial strip malls;
 - c. Retail gasoline outlets;
 - d. Restaurants;
 - e. Parking lots;
 - f. Automotive service facilities;
 - g. Street and road construction; and
 - h. Projects located in, adjacent to, or discharging to environmentally sensitive areas.

If you have any questions with regard to this letter, please contact Greg Davis at 303-312-6314, or E-mail davis.gregory@epa.gov.

Sincerely,



Greg Davis
Stormwater Program Coordinator
EPA Region 8

